

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IDA BELLE ROLAIN,

Plaintiff,

vs.

WAL-MART STORES, INC., et al.,

Defendants.

Case No. 2:11-cv-01900-APG-PAL

**ORDER**

(Mot for Trial - Dkt. #54)

Before the court is the Plaintiff's Motion to Proceed with Jury Trial [sic] (Dkt. #54). The court has considered the Motion and Wal-Mart's Opposition (Dkt. #55).

The complaint in this case was filed in state court and removed (Dkt. #1) November 25, 2011. Plaintiff is appearing pro se. After the district judge denied Wal-Mart's motion to dismiss, a discovery plan and scheduling order was entered January 31, 2012 (Dkt. #25) which established a May 23, 2012 discovery cutoff. On March 26, 2013, the district judge entered an Order (Dkt. #50) denying Defendant's motion for summary judgment. Pursuant to LR 26-1 and the court's discovery plan and scheduling order, the parties had thirty days from decision of the motion for summary judgment in which to submit a joint pretrial order. The parties have not yet complied.

In the current motion, Plaintiff asks that the matter be set for trial because settlement negotiations with opposing counsel have ended. Her last counter offer was made six months earlier and she has heard no response. She therefore requests a jury trial setting.

Wal-Mart's opposition indicates it has no opposition to setting the matter for trial, but argues Plaintiff must follow the local rules and work with Defendants to prepare a joint pretrial order. Counsel for Wal-Mart represents that she has written three letters to Ms. Rolain to discuss the joint pretrial order "to no avail."

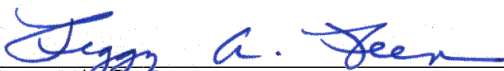
1 The court's scheduling order required the parties to submit a joint pretrial order within thirty  
2 days of decision of dispositive motions. In this case, the district judge decided Defendants' motion for  
3 summary judgment March 26, 2013. LR 16-3(c) requires the Plaintiff to initiate the process. The rules  
4 governing the joint pretrial order are set forth in LR 16-3 and the form of pretrial order is dictated by  
5 LR 16-4. As Plaintiff is representing herself, and defense counsel is well aware of the pretrial order  
6 procedure, the court will direct the parties to submit a joint pretrial order no later than **February 14,**  
7 **2014.** To expedite the process, the court will require counsel for the Defendants to send a draft pretrial  
8 order to the Plaintiff which conforms to the form of pretrial order required by LR 16-4 so that Plaintiff  
9 may insert her portions of the proposed order.

10 Once the joint pretrial order is filed with the court, the district judge reviews it and, if approved,  
11 sets the matter for trial, and directs when jury instructions and suggested questions of the parties to be  
12 asked of the jury panel by the court during voir dire are due for filing.

13 Having reviewed and considered the matter,

14 **IT IS ORDERED** that Plaintiff's Motion (Dkt. #54) is **GRANTED** to the extent the parties  
15 shall have until **February 14, 2013**, to file the joint pretrial order with the court. A trial date will be  
16 assigned once the pretrial order is submitted. Counsel for Defendants shall initiate the process by  
17 sending a draft proposed form of pretrial order which complies with LR 16-4 to the Plaintiff who shall  
18 promptly review it, insert the information required of her, and return it to counsel for Defendants for  
19 filing.

20 Dated this 15th day of January, 2014.

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23 Peggy A. Leen  
24 United States Magistrate Judge  
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